IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 395 OF 2006
WITH
CIVIL APPLICATION NO.484 OF 2006

Mr.Ashok Motilal Katariya. ..Appellant.

V/s.

Mr.Popat Yashwant Nigal & ors. ..Respondents.

Mr.R.S.Apte for A.A.Garge for appellant.

Mr.R.A.Thorat for respondent No.2

Mr.M.M.Sathaye for respondent Nos.1,3 and 4.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 17, 2006.

P.C. :

1. It is brought on record that the suit property already stood transferred in favour of the third party. In view of the subsequent development, the appellant will have to pursue appropriate remedy before the Lower court, as may be advised. The relief claimed in Exh.5 which is subject matter of challenge in the present appeal is worked out in view of the subsequent development. Accordingly, this appeal is disposed of with liberty to the appellant to take out appropriate application before the trial Court as may be advised, which will be considered on its own merits in accordance with the law.

2. Civil application disposed of accordingly.